

DUNCAN MILLER

IBLA 75-45

Decided November 25, 1974, Decided

Appeal from decision of California State Office, Bureau of Land Management, requiring consent to stipulations for oil and gas lease R-4363.

Affirmed.

1. Environmental Quality – Oil and Gas Leases: Applications: Generally – Oil and Gas Leases: Stipulations

As a condition precedent to the issuance of an oil and gas lease, the Department of the Interior may require an applicant to accept reasonable surface management stipulations, not inconsistent with the purposes for which the lease is issued, in order to protect the environmental quality of the land.

2. Environmental Quality – Oil and Gas Leases: Applications: Generally – Oil and Gas Leases: Stipulations

The financial burden of complying with environmental protection stipulations is the sole responsibility of the lessee.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Duncan Miller has appealed from a decision of the California State Office, Bureau of Land Management (BLM), dated June 18, 1974, which required his consent to environmental protection stipulations as a condition precedent to issuance of a noncompetitive oil and gas lease on public lands within the Los Padres National Forest, California.

Appellant's offer for oil and gas lease R-4363 drew first priority in a drawing held on July 2, 1971, to determine priority among simultaneously filed offers for Parcel 138-8 containing lands in secs. 23 and 38, T. 5 N., R. 18 W., S.B.M. In response to a decision issued January 28, 1972, appellant accepted special lease stipulations for lands under the jurisdiction of the Department of Agriculture. 1/

By its decision of June 18, 1974, the BLM required appellant to consent to additional surface disturbance stipulations 2/ which permit drilling, construction or other operations on the leased lands under controlled, reasonable conditions, not inconsistent with the purposes for which the lease is issued. Surface disturbing activities will be subject to conditions relating to the location of drilling or other exploratory or developmental operations, the types of vehicles that may be used and the areas in which they may be used, and the manner or location in which improvements such as roads and pipelines are to be constructed.

On appeal, appellant argues that:

The appellant has constantly filed appeals against these stipulations but never had due process adjudication.

Consequently he is signing these stipulations so that they will be on hand when this appeal is rejected.

Obviously the stipulations are very much full of red tape, which can be very costly. It is appellant's belief that the lessor should bear the expenses of this red tape.

[1] The Board has repeatedly disposed of appellant's due process arguments in similar cases where this same appellant's has been required to consent to reasonable special stipulations relating to protection of the land and its resources as a condition precedent to issuance of oil and gas leases on the public lands. Duncan Miller, 16 IBLA 255 (1974); Duncan Miller, 16 IBLA 24 (1974); Duncan Miller, 15 IBLA 116 (1974); Duncan Miller, 12 IBLA 199 (1973); Duncan Miller, 11 IBLA 1 (1973); Duncan Miller, 10 IBLA 133 (1973). It is well established that the Secretary has authority to impose reasonable stipulations for the protection of the environment. A. Helander, 15 IBLA 107, 109 (1974).

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1/ The stipulations are contained in Form 3103-2 (October 1964), with an additional stipulation.

2/ Form CSO 3100-15 (November 1972) with an additional stipulation.

Appellant has not demonstrated that the surface disturbance stipulations are improper in the circumstances of this case. We find the stipulations to be reasonable, not inconsistent with the purpose for which the lease is issued, and, thus, do not unreasonably interfere with the lessee's rights of enjoyment. See Bill J. Maddox, 17 IBLA 234 (1974); Duncan Miller, 16 IBLA 255 (1974).

[2] Appellant additionally objects to the stipulations on the ground that they would cause an economic burden on his operations which appellant believes should be borne by the United States. In the past, the Board has informed appellant that the financial burden of complying with environmental protection stipulations is the sole responsibility of the lessee. Duncan Miller, 15 IBLA 116 (1974); Duncan Miller, 12 IBLA 185 (1973); Duncan Miller, 11 IBLA 1 (1973); Duncan Miller, 10 IBLA 133 (1973).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Martin Ritvo  
Administrative Judge

We concur.

Edward W. Stuebing  
Administrative Judge

Joan B. Thompson  
Administrative Judge

